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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,069	02/09/2007	Nils Eric Stjerna	10400C-000234/US	3299

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EXAMINER

KELLEHER, WILLIAM J

ART UNIT	PAPER NUMBER
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3673

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,069	Applicant(s) STJERNA, NILS ERIC	
	Examiner WILLIAM KELLEHER	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5, 6, 11, 12, 14, 15, are rejected under 35 U.S.C. 102(b) as being anticipated by Trotta (U.S. Patent 2,048,979).

Regarding Claim 1, Trotta discloses a spring mattress with longitudinal strings, the spring mattress comprising: a plurality of interconnected coil springs enclosed in covers, and a plurality of parallel strings arranged side by side and interconnected by a surface attachment (13) between abutting surfaces of adjacent strings, wherein a slit (See Figure 3 and 4) is provided between at least two coil springs located adjacent to one another within the same string, the slit in combination with the surface attachment allowing an increased interjacent separation distance to be formed between said adjacent coil springs. A string is considered to be a plurality of springs in a vertical direction as shown in Figure 1.

Regarding Claim 11, for the reasons stated above, Trotta is considered to disclose a method of manufacturing a spring mattress, the method comprising: arranging coil springs enclosed in covers in longitudinal strings, and interconnecting a plurality of parallel strings side by side by a surface attachment between abutting

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surfaces of adjacent strings, and providing a slit between at least two coil springs located adjacent to one another within the same string such that the slit in combination with the surface attachment allows an increased interjacent separation distance to be formed between the adjacent coil springs.

Regarding Claims 2 and 12, Trotta shows the slit being completely enclosed between an upper and lower part of the string (See Figure 3).

Regarding Claim 3, Trotta shows, in Figure 3, the claimed slits. Figure 3 is considered to be representative of the entire apparatus.

Regarding Claim 5, Trotta discloses covers being joined so that the covers are closed along the slit.

Regarding Claims 6 and 14, Trotta shows surface attachments at 13 which include stitching. Stitching is considered a broad interpretation of welding.

Regarding Claim 15, Trotta discloses arranging a strip of a cover material so that it is folded over springs arranged in succession therebetween, providing a longitudinal joining line at the open end of the strip thus folded (Trotta is closed at the top and bottom of each string), and arranging, before or after providing the longitudinal joining line, at least one transverse joining line between adjacent springs in each pair of springs. Trotta shows that the cover is joined where the slit is formed and is therefore considered to disclose transverse joining lines.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 7-10, 13, 16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trotta.

Regarding Claim 4, Trotta discloses the apparatus of Claim 1, but does not disclose slits located between only some of the springs. However, the Examiner takes Official Notice that it is well known in the art of mattresses to vary the properties of a mattress to create "zones." Creating zones is a well known way to provide varying amounts of support to different portions of a user. Therefore, one of ordinary skill in the art would have recognized that Trotta could be modified to create zones of varying properties to provide Trotta with the predictable established function of zones (which is to provide varying amounts of support to different portions of a user).

Regarding Claims 7-9, 24-26 it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the sizes, ratios, and dimensions claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

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Regarding Claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a weldable material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

Regarding Claim 13, Trotta discloses a method as claimed in claim 11, further comprising joining together a cover material on both sides along the slit to close the covers along the slit. One of ordinary skill in the art would have recognized the slit could be formed after the cover material is joined because a slit could cause the cover material to shift while it is being joined.

Regarding Claim 16, one of ordinary skill in the art would have recognized that the slits could be performed at the same time as the transverse joining lines to reduce the amount of time required to create the apparatus.

3. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumpf (U.S. Patent 4,986,518) in view of Trotta and Stumpf ('834).

Regarding Claims 17 and 20, Stumpf ('518) discloses means for arranging coil springs enclosed in covers in longitudinal strings (See Figure 2). Stumpf ('834) gives motivation to add a surface attachment between abutting surfaces (see discussion of adhesive above). Trotta also discloses surface attachments at 13. Stumpf ('518) does not disclose means for creating a slit. Trotta discloses a slit between springs. One of

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ordinary skill in the art would have recognized that slits (and the associated machinery needed to create them) such as Trotta's could be added to the apparatus of Stumpf ('518) to provide Stumpf with the predictable established function of the slits (which is to allow the springs to flex in relation to one another. Figure 4 of Trotta).

Regarding Claim 18, the slit of Trotta is completely enclosed in the string.

Regarding Claim 19, Stumpf ('518) discloses slits which are closed along the covers.

Regarding Claim 21, Stumpf ('518) discloses means for arranging a strip of a cover material so that it is folded over springs arranged in succession therebetween, means for arranging a longitudinal joining line at the open end of the strip thus folded (Stumpf shows the cover closed at the top and bottom of each spring), and means for arranging at least one transverse joining line between each pair of adjacent springs. Stumpf shows the material "pinched" between each spring, creating a transverse joining line.

Regarding Claims 22 and 23, Stumpf shows a tool (at 100U) which is movable towards the cover material and therefore it would have been obvious to make a slit tool move in the same way. It would also have been obvious to put the tool adjacent to one another, because the transverse joining line and seam are at approximately the same location on the end product.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM KELLEHER whose telephone number is (571)272-7753. The examiner can normally be reached on Monday - Friday 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/W. K./
Examiner, Art Unit 3673

/Michael Trettel/
Primary Examiner, Art Unit 3673